

perform the functions and duties of the office of the Secretary of Defense (Secretary) during any period when the Secretary has died, resigned, or is otherwise unable to perform the functions and duties of the office of Secretary.

Sec. 2. Order of Succession.

- (a) Deputy Secretary of Defense;
- (b) Under Secretary of Defense for Intelligence;
- (c) Under Secretary of Defense for Policy;
- (d) Under Secretary of Defense for Acquisition, Technology, and Logistics;
- (e) Secretary of the Army;
- (f) Secretary of the Air Force;
- (g) Secretary of the Navy;
- (h) Under Secretary of Defense for Personnel and Readiness and the Under Secretary of Defense (Comptroller);
- (i) Deputy Under Secretary of Defense for Acquisition and Technology, Deputy Under Secretary of Defense for Policy, and Deputy Under Secretary of Defense for Personnel and Readiness;
- (j) General Counsel of the Department of Defense, the Assistant Secretaries of Defense, and the Director of Operational Test and Evaluation;
- (k) Deputy Under Secretary of Defense for Logistics and Material Readiness and the Director of Defense Research and Engineering;
- (l) Under Secretaries of the Army, the Navy, and the Air Force; and
- (m) Assistant Secretaries of the Army, the Navy, and the Air Force, and General Counsels of the Army, the Navy, and the Air Force.

Sec. 3. Exceptions. (a) No individual who is serving in an office listed in section 2(a)–(m) in an acting capacity shall act as Secretary pursuant to this order.

(b) Precedence among officers designated within the same subsection of section 2 of this order shall be determined by the order in which they have been appointed to such office by the President. Where officers designated within the same subsection of section 2 of this order are appointed on the same date, precedence will be determined by the order in which they have taken the oath to serve in that office.

(c) Notwithstanding the provisions of this order, the President retains discretion, to the extent permitted by law, to depart from this order in designating an acting Secretary.

Sec. 4. Judicial Review. This order is intended to improve the internal management of the executive branch and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, entities, officers, employees or agents, or any other person.

Sec. 5. Revocation. Executive Order No. 13000 of April 24, 1996, and the President's memorandum of June 2, 2005, entitled: "Order of Succession of Officers to Act as Secretary of Defense," are hereby revoked.

George W. Bush

The White House,
December 22, 2005.

[Filed with the Office of the Federal Register, 12:29 p.m., December 23, 2005]

NOTE: This Executive order will be published in the *Federal Register* on December 27.

Memorandum on Order of Succession of Officers To Act as Secretary of Defense

December 22, 2005

Memorandum for the Secretary of Defense

Subject: Order of Succession of Officers To Act as Secretary of Defense

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345 *et. seq.*, and notwithstanding the Executive Order I issued today entitled, "Providing an Order of Succession within the Department of Defense" (the order), it is hereby ordered as follows:

(1) Subject to the provisions of paragraphs 2 and 4 of this memorandum, the Acting Deputy Secretary of Defense, as designated by the President, shall act as and perform the functions and duties of the office of the Secretary of Defense (Secretary) during any

period when the Secretary has died, resigned, or is otherwise unable to perform functions and duties of the office of the Secretary.

(2) The provisions of paragraph 1 of this memorandum shall only apply if, at the time of the death, resignation, or inability of the Secretary, the Acting Deputy Secretary of Defense meets one or more of the criteria established in section 3345(a)(1)–(3) of title 5, United States Code.

(3) In all other respects, the order shall remain in effect.

(4) The authority of this memorandum shall terminate upon the first appointment by the President of a Deputy Secretary of Defense to occur subsequent to this memorandum, unless sooner terminated by operation of law or by the President.

(5) You are authorized and directed to publish this memorandum in the *Federal Register*.

George W. Bush

[Filed with the Office of the Federal Register, 12:29 p.m., December 23, 2005]

NOTE: This memorandum will be published in the *Federal Register* on December 27.

**Memorandum on Provision of
Aviation Insurance Coverage for
Commercial Air Carrier Service in
Domestic and International
Operations**

December 22, 2005

*Memorandum for the Secretary of
Transportation*

Subject: Provision of Aviation Insurance
Coverage for Commercial Air Carrier Service
in Domestic and International Operations

By the authority vested in me by 49 U.S.C. 44302, *et seq.*, I hereby:

1. Determine that continuation of U.S.-flag commercial air service is necessary in the interest of air commerce, national security, and the foreign policy of the United States.

2. Approve provision by the Secretary of Transportation of insurance or reinsurance to U.S.-flag air carriers against loss or damage arising out of any risk from the operation of

an aircraft in the manner and to the extent provided in Chapter 443 of 49 U.S.C.:

(a) until August 31, 2006;

(b) after August 31, 2006, but no later than December 31, 2006, when he determines that such insurance or reinsurance cannot be obtained on reasonable terms and conditions from any company authorized to conduct an insurance business in a State of the United States; and

3. Delegate to the Secretary of Transportation the authority, vested in me by 49 U.S.C. 44306(c), to extend this determination for additional periods beyond August 31, 2006, but no later than December 31, 2006, when he finds that the continued operation of aircraft to be insured or reinsured is necessary in the interest of air commerce or the national security, or to carry out the foreign policy of the United States Government.

You are directed to bring this determination immediately to the attention of all air carriers within the meaning of 49 U.S.C. 40102(2), and to arrange for its publication in the *Federal Register*.

George W. Bush

[Filed with the Office of the Federal Register, 12:29 p.m., December 23, 2005]

NOTE: This memorandum will be published in the *Federal Register* on December 27.